

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION
WASHINGTON, D. C.
ORDER NO. 283

Served: July 3, 1963

IN THE MATTER OF:

Application of Airport Transport, Inc.,)	
and Airport Transport, Inc., of Virginia)	
for a Certificate of Public Convenience)	Docket No. 34
and Necessity (Grandfather Application))	Application No. 46

Appearances as shown in prior orders.

By Order No. 264, the Commission granted reconsideration of its Order No. 251, pursuant to applications for reconsideration filed by various parties of record. The Commission, having reconsidered the record, the applications for reconsideration and the oral arguments heard thereupon, is of the opinion that certain findings and conclusions reached in Order No. 251 should be modified.

By Order No. 251, among other things, the Commission granted Airport Transport, Inc., applicant herein, a certificate of public convenience and necessity as follows:

(A) NON-SCHEDULED, IRREGULAR ROUTES, SPECIAL
AND CHARTER OPERATIONS:

Passengers and their baggage between the Washington National Airport on the one hand, and points and places in the District of Columbia and that portion of Maryland, situated within the Washington Metropolitan Area Transit District on the other, restricted to passengers and aircraft crews having a prior or subsequent movement by air to or from the Washington National Airport.

(B) SCHEDULED, IRREGULAR ROUTE OPERATIONS:

Passengers and their baggage from the Statler Hotel, Mayflower Hotel, Willard Hotel, and the downtown airport terminal, Washington, D. C., to the Washington National Airport, restricted to passengers and aircraft crews having a prior or subsequent movement by air to or from the Washington National Airport.

In granting reconsideration, the Commission called for oral arguments on the two following issues:

- (1) Whether or not certain operations being conducted by Airport Transport, Inc., particularly those operations from Montgomery County and from certain downtown hotels, including the downtown airport terminal, to the Washington National Airport, are in fact, scheduled operations;
- (2) Whether or not the group riding limousine service provided by Airport Transport, Inc., is subject to the certificate jurisdiction of this Commission.

Upon reconsideration of the entire record, including oral arguments of counsel, the Commission now finds that the operations of applicant from points in Montgomery County, the downtown hotels and the downtown terminal to the Washington National Airport are not scheduled operations. No schedules are posted; the operations are over irregular routes; no specific arrival time is guaranteed; and, perhaps, more important, on numerous occasions, the service is not operated. Mere departure time without these other ingredients is insufficient, under the facts in this record, to warrant a finding of "scheduled operations." These operations may be more properly classified as mere adjustments in service which was being provided by applicant on and before March 22, 1961.

The Commission held in Order No. 251 that applicant's group-riding limousine service was a bona fide taxicab service. Upon reconsideration of the record, the applications for reconsideration and oral arguments heard thereupon, the Commission now finds that the group-riding limousine service of applicant is not a bona fide taxicab service, in that the transportation is not directed by the passengers. Thus, such transportation does not come within the definition of Section 2(d) of the Compact, and therefor it is not exempt from the certificate requirements of Section 4(a) of the Compact.

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All findings of fact and conclusions of law of the Commission contained in Order No. 251, are hereby modified to conform to this Order.

THEREFORE, IT IS ORDERED:

(1) That the authority granted Airport Transport, Inc., by Order No. 251, is hereby set aside and held for naught.

(2) That Certificate of Public Convenience and Necessity No. 7-B is, and it is hereby, granted to Airport Transport, Inc., to transport passengers for hire as follows:

IRREGULAR ROUTES, SPECIAL AND CHARTER OPERATIONS:

Passengers and their baggage between the Washington National Airport on the one hand, and points and places in the District of Columbia and that portion of Maryland, situated within the Washington Metropolitan Area Transit District on the other, restricted to passengers having a prior or subsequent movement by air to or from the Washington National Airport.

(3) That Airport Transport, Inc., shall forthwith file with the Commission appropriate tariffs pursuant to the authority granted herein.

(4) That in all other respects, the application of Airport Transport, Inc., and Airport Transport, Inc., of Virginia, be, and the same is, hereby denied.

BY DIRECTION OF THE COMMISSION:



DELMER ISON

Executive Director